

Message Text

LIMITED OFFICIAL USE

PAGE 01 BERN 03097 110801Z
ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 SS-15
NSC-05 /054 W
-----002625 111016Z /20

R 110737Z JUL 77
FM AMEMBASSY BERN
TO SECSTATE WASHDC 4602
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY PARIS

LIMITED OFFICIAL USE BERN 3097

EO 11652: N/A
TAGS: EAIR, SZ
SUBJ: CIVAIR: RENEWAL OF MEMORANDUM OF UNDERSTANDING ON CHARTERS

REF: STATE 157268

1. SUMMARY: EMBOFF CALLED JULY 8 ON KARL STURZENEGGER, SWISS FEDERAL AIR OFFICE (FAO), TO DISCUSS PROPOSED CHANGES TO DRAFT SWISS LETTER RENEWING MOU. SURZENEGGER GAVE TENTATIVE AGREEMENT TO ALL PROPOSED US CHANGES PROVIDING THEY MEET GULDIMANN'S APPROVAL. HE STRESSED, HOWEVER, THAT REDUCTION OF ABC PRE-LISTING AND MINIMUM STAY BELOW 45 AND 7 DAYS RESPECTIVELY, AS PLANNED FOR OCT 1978, WOULD BE UNACCEPTABLE TO SWISS. FAO EXPECTS TO SEND RENEWAL LETTER IN EARLY AUGUST. END SUMMARY.

2. STURZENEGGER AGREED TO MAKE FOLLOWING CHANGES ON SWISS DRAFT:

A) LETTER FROM GULDIMANN WILL BE ADDRESSED
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BERN 03097 110801Z

TO AMB;

B) SUBSTITUTE QTE DISCUSSIONS UNQTE FOR
QTE CORRESPONDENCE EXCHANGED UNQTE IN OPENING
SENTENCE;

C) DELETE SENTENCE BEGINNING QTE FURTHERMORE

UNQTE IN FOOTNOTE ONE;

D) NEW SECOND SENTENCE OF PARA

E.1 TO READ QTE THE UNDERSTANDING SHALL
CONTINUE IN EFFECT FOR ONE YEAR PERIODS THERE-
AFTER UNLESS BY 90 DAYS PRIOR TO AN EXPIRATION
DATE EITHER PARTY HAS GIVEN WRITTEN NOTICE TO
THE OTHER PARTY OF ITS DESIRE TO ALLOW THE
UNDERSTANDING TO EXPIRE UNQTE.
STURZENEGGER SAID THAT HE WOULD REVIEW THIS NEW
LANGUAGE WITH FAO LEGAL ADVISER.

E) ADD NEW PARA E.3 TO READ AS
SUGGESTED PARA 7 REFTEL.

F) ADD CONCLUDING SENTENCE AS SUGGESTED
PARA 8 REFTEL.

3. REGARDING ANNEX CHANGES, STURZENEGGER
EXPLAINED THAT SWISS STUDENT ORGANIZATIONS
ARE OPPOSING PROPOSED PARA 6 UNDER QTE
STUDENT CHARTERS UNQTE, ESPECIALLY 30-DAY PRE-
LISTING AND ASSURANCE THAT ONLY STUDENTS ARE
TRAVELLING. STUDENT ORGANIZATIONS SAY THEY WILL
USE UNSPECIFIED OTHER MEANS TO ASSURE THAT ONLY
STUDENTS IN GROUP, I.E., CHARTER WORTHINESS.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BERN 03097 110801Z

STURZENEGGER SUGGESTED WE LEAVE TEXT AS IT NOW
STANDS AND SWISS WILL INFORM US IF PARA 6
IS DROPPED FROM ANNEX.

4. STURZENEGGER PROVIDED FOLLOWING BACKGROUND
ON CONTROVERSIAL THIRD SENTENCE IN FOOTNOTE 1.
HE AGREED THIS SENTENCE WAS REDUNDANT AS EXPLAINED
IN PARA 4 OF REFTEL. HE SAID FAO HAD WANTED
TO STRESS THAT 45-DAYS PRE-LISTING AND 7-DAYS
DURATION OFR ABC FLIGHTS WOULD BE ABSOLUTE
MINIMUM ON CHARTERS IN AND OUT OF SWITZERLAND.
SWISS COULD NOT GO BELOW THESE MINIMUM PERIODS
FOR QTE LEGAL REASONS UNQTE. SWISS ARE AWARE
THAT US INTENDS TO FURTHER LIBERALIZE MINIMUM
PRE-LISTING AND DURATION PERIODS BEGINNING
OCT 1978. SWISS FEEL THEY MUST DRAW LINE
SOMEWHERE BETWEEN CHARTERS AND SCHEDULED SERVICES.
SOME OFFICIALS IN SWISS ADMINISTRATION HAVE
ALREADY BEGUN TO CRITICIZE FAO FOR HAVING
EXCEEDED ITS OWN CRITERIA ON CHARTERS. THESE
CRITERIA ARE UNPUBLISHED INTERNAL GUIDELINES
BUT ARE EXPECTED TO BE PUBLISHED SOON IN SWISS

AVIATION INFORMATION PUBLICATION (AIP). HE SAID THAT MOST ECAC COUNTRIES HAVE SAME MINIMUM GUIDE-LINES AND ANY DEVIATION IN THE WAY OF LIBERALIZING PRE-LISTING OR MINIMUM DURATION WOULD OPEN FAO TO COMPLAINTS BY SCHEDULED SERVICE CARRIERS.

5. STURZENEGGER ADDED THAT IN SWISS VIEW US REDUCTION OF MINIMUM DURATION AND PRE-LISTING PERIODS WOULD CONSTITUTE QTE SUBSTANTIVE CHANGE UNQTE THAT WOULD FALL UNDER PARA A.4 OF MOU AS AN ALTERATION TO THE BASIC CHARACTER OF THE EXISTING CHARTER RULE AND WOULD NOT BE ACCEPTABLE TO SWISS AUTHORITIES.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 BERN 03097 110801Z

6. FOLLOWING MEETING WITH STURZENEGGER, EMBOFF MET BRIEFLY WITH WALTER FREI WHO SAID CATEGORICALLY THAT 45-DAYS PRE-LISTING AND 7-DAYS DURATION ARE ABSOLUTE MINIMUM PERIODS BELOW WHICH SWISS WILL NEVER GO. FREI SAID THAT IS US REDUCES THOSE PERIODS IN OCT 1978, SWISS QTE WOULD NOT RENEW CHARTER MOU UNQTE.

7. STURZENEGGER SAID THAT HE BELIEVED ALL PROPOSED US CHANGES WOULD BE ACCEPTABLE. HOWEVER, THEY WOULD HAVE TO BE DISCUSSED WITH GULDIMANN, WHO IS ON LEAVE UNTIL AUG 2. THEREFORE, SWISS WILL BE UNABLE TO REPLY OFFICIALLY UNTIL GULDIMANN'S RETURN.
DAVIS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AVIATION AGREEMENTS, AIR SCHEDULES
Control Number: n/a
Copy: SINGLE
Sent Date: 11-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BERN03097
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770245-0772
Format: TEL
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770773/aaaacblh.tel
Line Count: 152
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b136f96d-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 157268
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1909124
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: RENEWAL OF MEMORANDUM OF UNDERSTANDING ON CHARTERS
TAGS: EAIR, BF, IS, EL AL
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/b136f96d-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009